



CLEAN COPY OF AMENDED CLAIMS 38-41

38. (Amended) The method of claim 42 wherein the cap layer and the first antireflective coating are used as a hard mask.

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39. (Amended) The method of claim 42 wherein the cap layer and the first antireflective coating form a graded change in an index of refraction.

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41. (Amended) The method of claim 42 wherein the cap layer has a dielectric constant that is closer than a dielectric constant of the first antireflective coating to a subsequent photoresist mask layer dielectric constant.

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